

**Remarks**

This Application has been carefully reviewed in light of the Office Action dated July 24, 2009. Although Applicant believes all claims are allowable without amendment, to advance prosecution Applicant has made clarifying amendments to Claims 1, 4, 7-13, 15-16, 19-25, 27, 33-39, and 41-42. These amendments are not considered narrowing or necessary for patentability. Applicants have also added new Claims 43-45. Applicant respectfully requests reconsideration and allowance of all pending claims and consideration and allowance of all new claims.

**I. The Claims are Allowable over the Proposed *Huang-Baffes-Hickman* Combination**

The Examiner rejects Claims 1-8, 10-20, 22-34, and 36-42 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,577,726 to Huang, et al. ("*Huang*"), U.S. Patent 6,292,792 to Baffes, et al. ("*Baffes*"), and U.S. Patent Publication No. 2001/0033564 by Hickman ("*Hickman*"). Applicant respectfully traverses these rejections and discusses independent Claim 1 as an example.

**A. The proposed *Huang-Baffes-Hickman* combination fails to disclose, teach, or suggest a system operable to "access user input indicating a desire of the user to logon at the endpoint in a shared mode according to which the endpoint concurrently supports an extension of the user and one or more other extensions of one or more other users"**

As allegedly disclosing these limitations of Claim 1 prior to the currently-presented amendments, the Examiner cites Figures 1, 11, and 13; column 3, lines 59-60; and column 4, lines 19-22 of *Huang*. *Office Action* at 3. The Examiner then states that "Huang might not clearly disclose . . . [that] the endpoint [can] concurrently support an extensions of the user and one or more other extensions of one or more other users" and cites paragraphs 18 and 79 of *Hickman* as allegedly disclosing that "the endpoint concurrently supports an extension of the user and one or more other extensions of one or more other users." *Office Action* at 3-4. In other words, the Examiner appears to be asserting that *Huang* discloses "access[ing] user input indicating a desire of the user to logon at the endpoint in a shared mode," but does not disclose that "the endpoint concurrently supports an extension of the user and one or more other extensions of one or more other users," relying instead on *Hickman* as disclosing these limitations.

1. The Office Action is deficient in that the Examiner does not answer the substance of Applicant's arguments presented in the Previous Response

The Examiner appears to have cited the same portions of *Huang* and *Hickman* as were cited in the Office Action dated January 26, 2009 (the "Previous Office Action"). See *Previous Office Action* at 3-4. In the Response dated April 23, 2009 (the "Previous Response"), Applicant presented numerous arguments that these cited portions of *Huang* and *Hickman* do not disclose the above-recited limitations of Claim 1. See *Previous Response* at 14-15. The Examiner does not appear to have provided any substantive answer to Applicant's arguments from the Previous Response in the current Office Action.

Applicant respectfully reminds the Examiner that "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and **answer the substance of it.**" M.P.E.P. ch. 707.07 (f) (emphasis added). Because the Examiner has merely cited the same portions of *Huang* and *Hickman* as were cited in the Previous Office Action, Applicant respectfully submits that the Examiner did not **answer the substance** of Applicant's arguments presented in the Previous Response. Accordingly, Applicant maintains that the above-cited portions of *Huang* and *Hickman* do not disclose, teach, or suggest the above recited limitations of Claim 1, as discussed in detail below. Furthermore, should a Notice of Allowance not be issued with respect to all pending claims, Applicant respectfully requests that the Examiner answer the substance of Applicant's arguments in a subsequent Office Action. Moreover, Applicants respectfully submit that it would be inappropriate for the Examiner to make a subsequent Office Action answering the substance of Applicant's arguments final.

2. The logic in the rejection is flawed

Applicant maintains that it is unclear how *Huang* could disclose "access[ing] user input indicating a desire of the user to **logon at the endpoint in a shared mode**" if the endpoint disclosed in *Huang* is not capable of "concurrently support[ing] an extension of the user and one or more other extensions of one or more other users," as apparently asserted by the Examiner. If *Huang* does not disclose that an endpoint is capable of concurrently supporting multiple users (i.e., *Huang* does not disclose that an endpoint can support a shared mode), *Huang* is necessarily incapable of disclosing "access[ing] user input indicating . . . a desire of the user to **logon at the endpoint in a shared mode,**" as recited in Claim 1.

3. The cited portions of *Hickman* do not disclose, teach, or suggest the above-recited limitations of Claim 1

*Hickman* discloses “an Internet Interface Computer coupled to one or more telephone lines . . . [that] provides text-to-speech capabilities which allows text derived from TCP/IP packets that were received via the Internet to be ‘read’ to a telephone user.” *Hickman* at ¶¶14-15. *Hickman* further discloses that “a caller’s telephone number is used as an identification of the identity of that caller. This permits the apparatus of the present invention to automatically recognize a user from the ‘caller-ID’ provided by many telephone systems.” *Id.* at ¶18. “If **multiple users use the same telephone number, extensions can be provided to identify a particular individual.**” *Id.* (emphasis added); *see also Hickman* at ¶79.

The Examiner appears to be equating multiple users sharing a telephone number and being distinguished by extensions (as disclosed in *Hickman*) to an “endpoint [that] concurrently supports an extension of the user and one or more other extensions of one or more other users” (as recited in Claim 1). However, a **telephone number** as used in *Hickman* does not appear to be synonymous with an **endpoint**, as multiple endpoints often share a single telephone number. *Hickman* at ¶¶ 18 and 79. As just one example, a call center may have a number of different endpoints (e.g., telephones) sharing a common telephone number, and each of the endpoints may be associated with a single user having a unique extension. Thus, multiple users **sharing a telephone number** and being distinguished by extensions does not disclose, teach, or suggest an “endpoint [that] concurrently supports an extension of the user and one or more other extensions of one or more other users,” as recited in Claim 1.

Therefore, the cited portion of *Hickman* fail to disclose, teach, or suggest “the endpoint concurrently supports an extension of the user and one or more other extensions of one or more other users,” as recited in Claim 1. Neither the cited portion of *Huang* nor the cited portion of *Baffes* make up for the above-discussed deficiencies of *Hickman*, and the Examiner does not appear to make any assertions to the contrary.

4. Conclusion

Therefore, the proposed *Huang-Baffes-Hickman* combination fails to disclose, teach, or suggest “a system operable to “access user input indicating a desire of the user to logon at the endpoint in a shared mode according to which the endpoint concurrently supports an extension of the user and one or more other extensions of one or more other users,” as recited in Claim 1 as amended.

**B. The proposed *Huang-Hickman* combination fails to disclose, teach, or suggest a system operable to “in response to accessing the user input indicating a desire of the user to logon at the endpoint in a shared mode . . . *configure the endpoint to concurrently support an extension of the user and one or more other extensions of one or more other users*”**

At least because the proposed *Huang-Baffes-Hickman* combination fails to disclose, teach, or suggest “access[ing] user input indicating a desire of the user to logon at the endpoint in a shared mode according to which **the endpoint concurrently supports an extension of the user and one or more other extensions of one or more other users**” (for the reasons discussed above), the proposed *Huang-Baffes-Hickman* combination necessarily fails to disclose, teach, or suggest performing any action in response to “access[ing] user input indicating a desire of the user to logon at the endpoint in a shared mode,” let alone “configure[ing] the endpoint to concurrently support an extension of the user and one or more other extensions of one or more other users,” as recited in Claim 1.

**C. The proposed *Huang-Baffes-Hickman* combination is improper**

Applicant respectfully submits that the Examiner has not provided an adequate explanation for the proposed *Huang-Baffes-Hickman* combination. For example, as allegedly providing a reason for the proposed *Huang-Baffes-Hickman* combination, the Examiner states the following:

[I]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use the endpoint concurrently support an extensions of the user and one or more other extensions of one or more other users, as taught by Baffes and Hickman, into the method of Huang **in order to enhance the extension mobility**. Since, Huang teaches sharing the endpoint among multiple users extensions, and thus adding the endpoint concurrently support multiple users extensions is to apply a known technique to a known device to yield predictable results (see KSR - MPEP 2143). One having ordinary skill in the art would have been motivated to provide the extension to identify a particular individual

when a single telephone concurrently supports multiple users, as per the teachings of Baffes and Hickman.

*Office Action* at 5 (emphasis added).

“Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 418, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385, 1396 (2007) (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). The Office Action has simply not presented any “articulated reasoning with some rational underpinning” that it would have been obvious to make the proposed combination.

First, the Examiner asserts that combining *Huang* with *Baffes* and *Hickman* constitutes the application of a known technique to a known device to yield predictable results. *Hickman*, however, fails to disclose, teach, or suggest the “known technique” asserted by the Examiner (i.e., that an endpoint concurrently supports an extensions of the user and one or more other extensions of one or more other users). As discussed above, *Hickman* merely discloses multiple users **sharing a telephone number** and being distinguished by extensions, not an endpoint that concurrently supports an extensions of the user and one or more other extensions of one or more other users, as asserted by the Examiner. At least because *Hickman* fails to disclose the supposedly “known technique” asserted by the Examiner, the Examiner has not demonstrated that combining *Hickman* with *Huang* constitutes the application of a known technique to a known device to yield predictable results. Therefore, the Examiner has not provided an “articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”

Second, even ignoring the above-discussed deficiencies of *Hickman*, the Examiner has not provided an explanation as to: (1) why it would have been obvious to one of ordinary skill in the art at the time of Applicant’s invention (**without using Applicant’s claims as a guide**) to modify the particular techniques disclosed in *Huang* with the cited disclosure in *Baffes* and *Hickman*; and (2) how one of ordinary skill in the art at the time of Applicant’s invention would have actually done so. The alleged advantage of the proposed *Huang-Baffes-Hickman* combination asserted by the Examiner (i.e., **“in order to enhance the**

**extension mobility**”) appears to come directly from Applicant’s specification.<sup>1</sup> In fact, none of the references cited by the Examiner use the terms “extension mobility” or “enhanced extension mobility.” Thus, the Examiner’s explanation as to why it would have been obvious to one of ordinary skill in the art at the time of Applicant’s invention to modify the particular techniques disclosed in *Huang* with the teachings of *Baffes* and *Hickman* appears to constitute the type of impermissible hindsight reconstruction of Applicant’s claims, using Applicant’s claims as a blueprint, that is specifically prohibited by the M.P.E.P. and governing Federal Circuit cases.

#### **D. Conclusion**

For at least these reasons, Applicant respectfully requests reconsideration and allowance of independent Claim 1 and its dependent claims. For at least certain analogous reasons, Applicant respectfully requests reconsideration and allowance of independent Claims 15, 27, 41, and 42 and their dependent claims.

## **II. The Separately-Rejected Dependent Claims are Allowable**

The Examiner rejects Claims 9, 21, and 35 under 35 U.S.C. § 103(a) as being unpatentable over the proposed *Huang-Baffes-Hickman* combination in view of U.S. Patent 5,933,488 to Marcus et al. (“*Marcus*”). Claims 9, 21, and 35 depend from independent Claims 1, 15, and 27, respectively, which Applicant has shown above to be allowable over the proposed *Huang-Baffes-Hickman* combination. The Examiner does not allege that *Marcus* makes up for the above-discussed deficiencies of the proposed *Huang-Baffes-Hickman* combination. Accordingly, dependent Claims 9, 21, and 35 are allowable over the cited references at least because they depend on allowable independent claims. Additionally, dependent Claims 9, 21, and 35 recite further patentable distinctions over the proposed *Huang-Baffes-Hickman-Marcus* combination. To avoid burdening the record and in view of the clear allowability of independent Claims 1, 15, and 27, Applicant does not discuss these distinctions in this Response. However, Applicant reserves the right to discuss these distinctions in a future Response or on Appeal, if appropriate. Moreover, Applicant does not admit that the proposed combination of references is possible or that the Examiner has

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<sup>1</sup> In fact, Applicant’s invention is entitled “Enhanced Extension Mobility”

provided an adequate reason for combining or modifying the references in the manner proposed by the Examiner.

**III. New Claims 43-45 are Allowable**

New Claims 43-45 depend from independent Claims 1, 15, and 27, respectively, which Applicant has shown above to be allowable over cited references. Accordingly, new Claims 43-45 are allowable over the cited references at least because they depend on allowable independent claims. Additionally, new Claims 43-45 recite further patentable distinctions over the cited references. To avoid burdening the record and in view of the clear allowability of independent Claims 1, 15, and 27, Applicant does not discuss these distinctions in this Response. However, Applicant reserves the right to discuss these distinctions in a future Response or on Appeal, if appropriate.

**IV. No Waiver**

All of Applicant's arguments and amendments are without prejudice or disclaimer. Additionally, Applicant has merely discussed example distinctions from the references cited by the Examiner. Other distinctions may exist, and Applicant reserves the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicant are sufficient to overcome the Examiner's rejections.

**Conclusion**

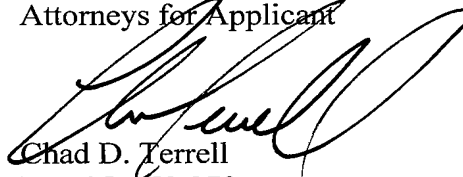
Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Chad D. Terrell, Attorney for Applicant, at the Examiner's convenience at (214) 953-6813.

The Commissioner is hereby authorized to charge the amount of \$156.00 to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. to cover the cost of three additional dependent claims (over twenty claims total). Although Applicants believe no other fees are due at this time, the Commissioner is hereby authorized to charge any necessary fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Applicant



Chad D. Terrell  
Reg. No. 52,279

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Customer No. **05073**